

**ZONING COMMITTEE  
MINUTES  
WEDNESDAY, SEPTEMBER 10, 2008**

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, September 10, 2008** in Committee Room 2, at 11:12 a.m.

The following members were present:

**The Honorable Ivory Lee Young, Jr., Chair  
The Honorable Natalyn Archibong, Vice Chair  
The Honorable Howard Shook  
The Honorable Carla Smith  
The Honorable Joyce Sheperd**

The following members were absent:

**The Honorable C. T. Martin  
The Honorable Anne Fauver**

Others present at the meeting were: Principal Planner Brandy Crawford, Department of Planning and Community Development; City Attorneys Peter Andrews, Jeffery Haymore and Lem Ward, Law Department; and members of the Public and Council staff.

- A.    ADOPTION OF AGENDA - ADOPTED**
- B.    APPROVAL OF MINUTES - APPROVED**

**CONSENT AGENDA**

**C.    ORDINANCES FOR FIRST READING**

08-O-1764 ( 1 )    An Ordinance by Zoning Committee to rezone from the R-4A  
**Z-08-60**           (Single-Family Residential) District to the C-1-C (Community  
Business-Conditional) District, property located at **814  
Bellemeade Avenue, NW** fronting approximately 108 feet  
from the southeast corner of Bellemeade Avenue and Howell  
Mill Road.

Depth:	Approximately 140.63 Feet
Area:	Approximately 0.35 Acre
Land Lot:	152, 17 <sup>th</sup> District, Fulton County, Georgia
Owner:	814 Bellemeade, LLC
Applicant:	Chandler McCormack
<b>NPU-D</b>	<b>Council District 8</b>

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING  
COMMITTEE**

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CONSENT AGENDA

C. ORDINANCES FOR FIRST READING (CONT'D)

08-O-1765 ( 2)      An Ordinance by Zoning Committee to rezone from the O-I-C  
**Z-08-61/**              (Office Institutional-Conditional) District to the O-I-C  
**Z-06-20**              (Office Institutional-Conditional) District, property located at  
                         **a portion of 3300 Northside Parkway, NW** for the purposes  
                         of a change of conditions. Property fronts approximately  
                         283.3 feet on the east and northeast of Howell Mill Road  
                         beginning approximately 350 feet from the southeast  
                         intersection of Howell Mill Road and Northside Parkway.

Depth:                      Varies

Area:                        Approximately 0.92 Acre

Land Lot:                  197, 17<sup>th</sup> District, Fulton County, Georgia

Owner:                     The Piazza at Paces, LLC

Applicant:                The Piazza at Paces, LLC

**NPU-C**

**Council District 8**

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING  
COMMITTEE**

08-O-1766 ( 3)      An Ordinance by Zoning Committee to rezone from the R-5  
**Z-08-62**              (Two-Family Residential) District to the NC (Neighborhood  
                         Commercial) District, property located at **889 Wylie Street,**  
                         **SE**, fronting approximately 50 feet on the south side of Wylie  
                         Street at the southeastern corner of Wylie and Selman  
                         Street.

Depth:                     Approximately 122 Feet

Area:                        Approximately .140 Acre

Land Lot:                  13, 14<sup>th</sup> District, Fulton County, Georgia

Owner:                     Magnetic Properties, LLC.

Applicant:                Evan S. Levy

**NPU-N**

**Council District 5**

**FAVORABLE - TO BE REFERRED TO ZRB AND ZONING  
COMMITTEE**

08-O-1767 ( 4)      An Ordinance by Zoning Committee to rezone from the I-2  
**Z-08-63**              (Heavy Industrial) District to the PD-MU (Planned  
                         Development-Mixed Use) District, property located at **1260**  
                         **Foster Street, NW**, fronting approximately 558.58 feet on  
                         the northwesterly side of Foster Street at the northwest  
                         right-of-way of the Norfolk Southern Railroad.

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C. ORDINANCES FOR FIRST READING (CONT'D)

Depth: Varies  
Area: Approximately 11.74 Acres  
Land Lots: 150 and 189, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Robert S. Haywood  
Applicant: John A. Bell  
**NPU-D Council District 9**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-1768 ( 5)  
**Z-08-64** An Ordinance by Zoning Committee to rezone from the R-5 (Family Residential) and R-4 (Single-Family Residential) Districts to the R-G3-C (Residential General-Sector 3-Conditional) District, property located at **894 Constitution Road, SE (aka 894 Forrest Park Road)**, fronting approximately 575 feet on the west side of Forrest Park Road and the southeast intersection of Constitution Road and Forrest Park Road.

Depth: 1,083.49 Feet  
Area: Approximately 3.3 Acres  
Land Lot: 27, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Winston L. Knox  
Applicant: John A. Bell  
**NPU-Z Council District 1**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-1769 ( 6)  
**Z-08-65** An Ordinance by Zoning Committee to rezone from the R-5 (Two-Family Residential) District to the MRC-3 (Mixed Residential Commercial) District, property located at **629 Highland Avenue, 214 Corley Street, NE and 221 Lampkin Street, NE, 229 Lampkin Street, and 235 Lampkin Street, NE**, fronting approximately 5,144.59 feet on the south side of Highland Avenue, at the northeast intersection of Highland Avenue and Corley Street.

Depth: 271.42 Feet  
Area: Approximately 1571 Acres  
Land Lot: 19, 14<sup>th</sup> District, Fulton County, Georgia

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C. ORDINANCES FOR FIRST READING (CONT'D)

Owner: James H. Bradshaw  
Applicant: Joseph Alcock  
**NPU-M Council District 2**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-1770 ( 7 )  
**U-08-24**

An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-06.005 (1) (c) for a Church, property located at **1645 Joseph Boone Boulevard, NW**, fronting approximately 406 feet on the north side of Joseph Boone Boulevard (formerly Simpson Road) and approximately 701.78 feet on the west side of Westlake Avenue.

Depth: Varies  
Area: Approximately 6.98 Acres  
Land Lot: 38, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: Allen Temple AME Church  
Applicant: Allen Temple AME Church  
**NPU-J Council District 3**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

08-O-1771 ( 8 )  
**U-08-26**

An Ordinance by Zoning Committee granting a Special Use Permit pursuant to Section 16-06.005 (1) (c) for a Church, property located at **3605 Campbellton Road, SW**, fronting approximately 344.87 feet on the north side of Campbellton Road and approximately 729.63 feet on the west side of Barge Road.

Depth: Varies  
Area: Approximately 9.89 Acres  
Land Lot: 6, 14FF<sup>th</sup> District, Fulton County, Georgia  
Owner: St. Mark AME Church  
Applicant: John T. McCall  
**NPU-P Council District 11**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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**CONSENT AGENDA**

**D. ORDINANCES FOR FIRST READING (CONT'D)**

08-O-1772 ( 9)      An Ordinance by Zoning Committee to amend Ordinance 05-  
**U-05-06**              O-0535 (U-05-06) as adopted by the City Council on July 5,  
2005 and approved by the Mayor on July 12, 2005 approving  
a Transfer of Ownership for a Special Use Permit for a Day  
Care Center for property located at **567 Hamilton Holmes,  
Drive, NW**; and for other purposes.

**FAVORABLE – TO BE REFERRED TO ZONING COMMITTEE**

08-O-1773 (10)      An Ordinance by Zoning Committee to amend Ordinance 93-  
**U-74-26**              O-1524 (U-74-26) as adopted by the City Council on October  
4, 1993 and approved by the Mayor on October 7, 1993  
approving a Transfer of Ownership for a Special Use Permit  
for a Day Care Center for property located at **1802  
Hollywood Road, NW**; and for other purposes.

**FAVORABLE – TO BE REFERRED AND ZONING COMMITTEE**

**E. ORDINANCE FOR SECOND READING**

08-O-1706 ( 1)      An Ordinance by Zoning Committee to grant a Certificate  
**MRPA-08-02**              under the provisions of the Metropolitan River Protection Act for  
the construction of a single-family home, located at **1886 River  
Forest Road, NW**, 2.06 acres in Land Lot 235, 17<sup>th</sup> District,  
Fulton County, Georgia. (**Advertised for a Public Hearing  
9/10/08 at 11:00 a.m.**)  
Owner:                      Greg Pope  
Applicant:                  Dan Maddox, for Builders II  
**NPU-A**                                      **Council District 8**

**Councilmember Shook made a motion to approve. The vote  
was unanimous.**

**FAVORABLE**

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**F. PAPERS HELD IN COMMITTEE**

06-O-0273 ( 1)     An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06 for further review)**

**HELD**

06-O-0007 ( 2)  
**Z-05-65**     An Ordinance by Councilmember Carla Smith **as amended by Zoning Committee** to rezone the portion of the property located at **1821 W. Anderson Avenue** that is zoned R-4 (Single Family Residential) to the O-I (Office Institutional) Classification, to issue a Special Use Permit for the subject property; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

**HELD**

06-O-0022 ( 3)  
**U-05-22**     An Ordinance by Councilmember Carla Smith to issue a Special Use Permit for a Nursing Home at **1821 W. Anderson Avenue (a.k.a. 31 Anderson Avenue)**; to waive the 2,000 foot distance requirement for this location; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

**HELD**

06-O-0955 ( 4)  
**Z-06-44**     A **Substitute** Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at **1155 Hill Street, SE**, fronting approximately 350 feet on the west side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. **(Held 11/1/06 at the request of District Council Person)**

Depth:        Varies

Area:         Approximately 8.719 Acres

Land Lot:     55, 14<sup>th</sup> District, Fulton County, Georgia

Owner:        Jack and Harvey Taffel

Applicant:    Chaz E. Waters/Skyline Partners, LLC.

**NPU-Y**

**Council District 1**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 06-O-1927 ( 5)      An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

**HELD**

- 07-O-0396 ( 6)  
**CDP-07-09**      An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **349 14<sup>th</sup> Street**, from the "Low Density Commercial" Land Use Designation; to the "Mixed-Use" Land Use Designation; and for other purposes. **(1<sup>st</sup> Quarter CDP Public Hearing held 3/12/07) (Held 3/13/07 awaiting companion Zoning legislation) (Favorable by CD/HR Committee 3/27/07) (Held 3/28/07 at the request of the applicant)**

**NPU-E**

**Council District 2**

**HELD**

- 07-O-0148 ( 7)  
**Z-06-138**      An **Amended** Ordinance by Zoning Committee to rezone from the C-2 (Commercial Service) District to the MRC-3-C (Mixed Residential-Commercial Conditional) District, property located at **349 Fourteenth Street, NW**, fronting approximately 134 feet on the south side of 14<sup>th</sup> Street, at the southwest corner. **(Held 3/28/07 at the request of the applicant)**

Depth:            Approximately 152 Feet

Area:             Approximately 0.47 Acre

Land Lot:        149, 17<sup>th</sup> District, Fulton County, Georgia

Owner:           Julian W. Rikard

Applicant:       Michael Gamble

**NPU-E**

**Council District 2**

**HELD**

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### PAPERS HELD IN COMMITTEE (CONT'D)

06-O-1445 ( 8)  
**Z-06-74**

An Ordinance by Zoning Committee to rezone from the R-G-3 (Residential General-Sector 3) District to the PD-MU (Planned Development-Mixed Use) District, property located at **3700 Martin Luther King, Jr. Drive, SW**, fronting approximately 474.25 feet on the south side of Martin Luther King, Jr. Drive beginning approximately 183 feet from the southwest corner of Adamsville Drive. **(Held 5/2/07 at the request of Councilmember of the District)**

Depth: Varies  
 Area: Approximately 27 Acres  
 Land Lot: 15, 14<sup>th</sup> District, Fulton County, Georgia  
 Owner: Atlanta Neighborhood Development Partnership  
 Applicant: Marvin Greer

**NPU-H** **Council District 10**

**HELD**

06-O-2308 ( 9)  
**Z-06-113**

An Ordinance by Zoning Committee to rezone from the SPI-6 (Poncey Highland Special Public Interest) District to the C-1 (Community Business) District, property located at **863 Ponce de Leon (rear), NE**, fronting approximately 63 feet on the east side of Barnett Street, beginning 150 feet from the westerly corner of Barnett Street and Ponce de Leon Avenue. **(Filed by ZRB and Zoning Committee 5/20.07) (Referred by back by Full Council 6/4/07) (Held 6/13/07)**

Depth: Approximately 74 Feet  
 Area: Approximately 0.861 Acre  
 Land Lot: 17, 14<sup>th</sup> District, Fulton County, Georgia  
 Owner: Robert T. Budd  
 Applicant: Kevin A. Ross

**NPU-N** **Council District 2**

**HELD**

06-O-1888 (10) An Ordinance by Community Development/Human  
**CDP-06-65** Resources Committee to amend the Land Use Element of the City of Atlanta's 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property located at **3700 Martin Luther King, Jr. Drive, SW**, from the "Medium



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**PAPERS HELD IN COMMITTEE (CONT'D)**

Density Residential” Land Use Designation to the “Mixed-Use” Land Use Designation; and for other purposes. **(Public Hearing held 9/11/06) (Filed by CD/HR Committee 11/27/07)**  
**NPU-H Council District 1**

**HELD**

07-O-2594 (11) An Ordinance by Councilmember Kwanza Hall requesting that Chapter 28A.010 of the Code Ordinances, the Sign Ordinance, Subsection (12) Special Public Interest District 1 (Central Core) District of the City of Atlanta Zoning Ordinance be waived to allow for the construction of two (2) Signs at 100 Auburn Avenue, NE; and for other purposes. **(Held 12/12/07)**

**HELD**

06-O-2697 (12) An Ordinance by Councilmember Carla Smith to amend  
**Z-06-144** Chapter 28 of Part 16 of the Atlanta City Land Development Code to provide for density increases in exchange for affordable workforce housing; to define certain terms; to provide limitations and requirements; and for other purposes. **(Held 1/30/08)**

**HELD**

08-O-0306 (13) An **Amended** Ordinance by Zoning Committee to rezone  
**Z-08-02** from the R-4 (Single-Family Residential), RG-1 (Residential General-Sector 1) and C-1 (Community Business) Districts to the I-1-C (Light Industrial-Conditional) District, for various properties bounded by Simon Street on the north, Ruby Harper Boulevard (a.k.a. Gilbert Road) on the east, Southside Industrial Parkway (a.k.a. Poole Creek Road) on the south. Property fronts approximately 751 feet on the east side of Ruby Harper Boulevard at the northeast corner of Ruby Harper Boulevard and Southside Industrial Parkway. **(Held 4/2/08)**  
Depth: Varies  
Area: Approximately 22.85 Acres  
Land Lot: 33, 14<sup>th</sup> District, Fulton County, Georgia  
Owner: The Housing Authority of the City of Atlanta/City of Atlanta Department of Aviation/Annie McClendon

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PAPERS HELD IN COMMITTEE (CONT'D)

Applicant: Atlanta Economic Renaissance Corporation/AMB  
Property Corporation

**NPU-Z**

**Council District 12**

FAVORABLE AS AMENDED

08-O-0838 (14)  
**Z-08-20** An **Amended** Ordinance by Councilmember Ivory L. Young, Jr. to rezone from the I-1 (Light Industrial) District to the MRC-3-C (Mixed Residential-Commercial-Conditional) District, property located at **1040 Grant Street, SE**, fronting approximately 194.5 feet on the east side of Grant Street at the intersection of Grant Circle. **(Held 7/30/08)**

Depth: Approximately 360 Feet

Area: 1.57 Acres

Land Lot: 42, 14<sup>th</sup> District, Fulton County, Georgia

Owner: David S. Stith (for Grant Street Partners)

Applicant: Caleb Racioct (for Grant Street Partners)

**NPU-W**

**Council District 1**

FAVORABLE AS AMENDED

08-O-1265 (15)  
**Z-08-40** An **Amended** Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) District to the R-LC-C (Residential Limited Commercial-Conditional) District, property located at **1095 North Avenue, NE**, fronting approximately 49.63 feet on the south side of North Avenue, beginning 225 feet from the southeast corner of North Highland. **(Held 8/27/08)**

Depth: Approximately 175 Feet

Area: Approximately 0.198 Acre

Land Lot: 15, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Ryan Florence

Applicant: Eric J. Kronberg

**NPU-N**

**Council District 6**

FAVORABLE AS AMENDED

08-O-1266 (16)  
**Z-08-41** A **Substitute** Ordinance by Zoning Committee to rezone from the R-5 (Two-Family Residential) District to the NC-7-C (Neighborhood Commercial-Grant Park Commercial) District, property located at **328-336 Ormond Street, SE and 831-835**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

**Grant Street, SE**, fronting approximately 110 feet on the south side of Ormond Street beginning 99.75 feet from the northwest corner of Grant Street and Ormond Street **(Held 8/27/08)**

Depth: Approximately 99.75 Feet

Area: 0.252 Acre

Land Lots: 15 and 16, 14<sup>th</sup> District, Fulton County, Georgia

Owner: Grant@Ormond, LLC

Applicant: Linda Medsker

**NPU-W**

**Council District 1**

**FAVORABLE ON SUBSTITUTE**

**G. ITEMS NOT ON THE AGENDA**

- 08-O-1009 ( 1)      An Ordinance by Community Development/Human  
**CDP-08-22**      Resources Committee to amend the Land Use Element of the City of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property that is located at **1040 Grant Street**, from "Industrial" Land Use Designation to "Mixed Use" Land Use Designation; and for other purposes. **(Held 5/27/08) (Public Hearing held 6/9/08) (A second Public Hearing was held on 9/8/08) (Favorable by CD/HR Committee 9/9/08)**  
**NPU-W**      **Council District 1**

**Councilmember Smith made a motion to approve. The vote was unanimous.**

**FAVORABLE**

- 08-O-1703 ( 2)      An Ordinance by Community Development/Human  
**CDP-08-31**      Resources Committee to amend the Land Use Element of the City of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate property that is located at **1095 North Avenue** from Single Family Residential Land Use Designation to Low Density Commercial Land Use Designation; and for other purposes. **(A Public Hearing was held on 9/8/08) (Favorable by CD/HR Committee 9/9/08)**  
**NPU-N**      **Council District 6**

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G. ITEMS NOT ON THE AGENDA (CONT'D)

Councilmember Smith made a motion to approve. The vote was unanimous.

FAVORABLE

08-O-1704 ( 3)  
**CDP-08-32**

An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2008 Atlanta Strategic Action Plan (ASAP) so as to re-designate properties that are located at **328-336 Ormond Street and 831-835 Grant Street** from Low Density Residential Land Use Designation to Low Density Commercial Land Use Designation; and for other purposes. **(A Public Hearing was held on 9/8/08) (Favorable by CD/HR Committee 9/9/08)**  
NPU-W Council District 1

Councilmember Smith made a motion to approve. The vote was unanimous.

FAVORABLE

There being no further business to come before the Zoning Committee the meeting was adjourned at 11:26 a.m.

Respectfully submitted:

  
Angela H. Campbell, Legislative Secretary

  
Alfred Berry, Jr., Research & Policy Analyst

  
The Honorable Ivory L. Young, Jr., Chair